

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT ALLEN RABE,
TDCJ #1151504,
Plaintiff,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL ACTION NO. H-06-1076

ORDER

On April 5, 2006, this Court dismissed the civil rights complaint filed by state inmate Robert Allen Rabe. Rabe has filed a notice of appeal from that decision, and he has filed a motion for leave to proceed *in forma pauperis*. (Doc. #21). The Prison Litigation Reform Act (the "PLRA") requires prisoners filing any civil action or appeal to pay an initial partial filing fee. *See* 28 U.S.C. § 1915(b)(1). The PLRA also requires prisoners to pay the balance of the full appellate filing fee of \$455. Based on the certified inmate trust account statement provided by the plaintiff, the Court **ORDERS** that:


1. The application for leave to proceed *in forma pauperis* (Doc. #21) is **GRANTED**.
2. The plaintiff is assessed an initial partial filing fee of \$3.00. The agency having custody of the plaintiff shall collect this amount from the plaintiff's inmate trust fund account or institutional equivalent, when funds are available, and forward it to the Court.
3. Thereafter, the plaintiff shall pay \$452.00, the balance of the filing fees, in

periodic installments as required by 28 U.S.C. § 1915(b). The agency shall collect this amount from the plaintiff's inmate trust account or institutional equivalent and forward it to the Court.

4. The plaintiff is responsible for signing all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawal from the plaintiff's inmate trust account.

The Clerk will send copies of this order to the parties, to TDCJ - Office of the General Counsel, Capitol Station, P.O. Box 13084, Austin, Texas 78711, fax 512-936-2159, and to the TDCJ Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, fax 936-437-4793.

SIGNED at Houston, Texas, on **June 22, 2006**.



Nancy F. Atlas
United States District Judge